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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the International Youth and Student Movement for the United Nations, non-governmental organization in general consultative status, France Libertés: Fondation Danielle Mitterrand, Emmaus International Association, International Organization for the Elimination of All Forms of Racial Discrimination, Les Amis de la Terre-Togo, Permanent Assembly for Human Rights, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, International Educational Development, Inc., non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

For a global governance of migration to combat Human Rights violations

International migration is a fundamentally human phenomenon. So Article 13 of the Universal Declaration of Human Rights[1] and Article 12 of the International Covenant on Civil and Political Rights[2] recognize the right of all persons to freedom of movement and to residence within a State, also the right of all to leave any country, including their own. Although a right to migrate exists when fundamental rights are involved (asylum, family reunification), international law paradoxically recognizes the right to emigrate, but not to immigrate.

Globalization has intensified economic, social, cultural and political exchanges, facilitated by the development of communication technology and transportation. However there remains a contradiction between the existence of the free movement of capital, goods and information and the fact that there are restrictions on free movement of people. In the context of the current economic and social crisis, there also exists discriminations and fears created by migration related to social, economic and identity criteria.

International migration continues to grow, although the increase in the number of migrants has slowed down since 2007[3]. Approximately 3% of the world population was born in another country than that of their residence. In 2013, the OECD counted 232 million international migrants, including 122 million towards the North (South-North and North-North) and 110 million towards the South (South-South and North-South).

The aging of populations of industrial societies make it all the more evident that migration is here to stay. Migration issues can no longer be ignored and that containment strategies will not suffice. As emphasized by the Special Rapporteur on the human rights of migrants in his 2013 report to the General Assembly[4], it is necessary to fundamentally change our viewpoint on migrations. As an international phenomenon, migration must first and foremost be the subject of global governance, before being the target of national policies.

Unilateral and interstate migration management currently prevails

Although migration is by definition transnational, the absence of a general framework on this issue has resulted in fragmented governance with different institutional approaches and normative frameworks for each aspect of migration (asylum seekers, human trafficking, human rights, migrant labour rights...). Thus, within the United Nations, there is no agency specialized in migration. Responsibilities in this area are shared between the High Commissioner for Refugees, the International Labour Organisation, and other structures such as the High Commissioner for Human Rights and the Department of Economic and Social Affairs of the United Nations.
Furthermore, the international initiatives to dialogue on the issue of migration, such as the Global Forum on Migration and Development and the Global Migration Group, remain informal processes that have a limited scope and produce non-normative decisions.

In the face of this lack of general framework, States tend to regulate migration on a unilateral basis, responding to domestic political pressure and populist rhetoric against immigrants. On the contrary it is essential that migrants are primarily considered as human beings with rights.
The populist rhetoric is accompanied by an essentially security-oriented treatment of migration, which has become *de facto* the global standard for controlling migration. Within the European Union institutional and policy structures, migration and border control have been increasingly integrated into security frameworks that emphasize policing, defense and criminality over a rights-based approach[5].

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[1] Universal Declaration of Human Rights, 1948, http://www.un.org/en/documents/udhr/.
[2] International Covenant on Civil and Political Rights, 1966, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
[3] OCDE, International Migration Data, UN/DESA, October 2013. http://www.oecd.org/fr/els/mig/les-migrations-internationales-en-chiffres.pdf.
[4] Report of the Special Rapporteur on the human rights of migrants, August 2013, A/68/283.
[5] Report of the Special Rapporteur on the human rights of migrants, April 2013, A/HRC/23/46.

However, reinforcing physical and legal barriers, as well as strengthening border controls via the Frontex agency and the EUROSUR monitoring system, has neither stemmed the flow of migrants, which remains constant[6], nor provided protection to migrants.

On the contrary, these restrictive migration policy developments have led to complex avoidance strategies and have increased the legal, economic and human vulnerability of migrants. Migrants face great difficulties in protecting and enforcing their rights, because their access to information and justice is often limited or hindered. This encourages the mafia that make clandestinity prey to daily tragedies, whether at borders, in detention centers, at school or in the workplace. The situation of domestic workers - mostly women living in total dependence on their employers - in many countries in Asia and the Gulf is emblematic of this vulnerability[7].
In addition, migrants use riskier and riskier routes in order to reach their destination. A study revealed that more than 23,000 men, women and children have died at Europe's borders since 2000[8]. This unbearable reality demonstrates the limits of containment policies.

So we must strengthen the rights of migrants, that is to say their ability to migrate legally and denounce the practices of the mafia. Elaborating an international status of migrants could be the first step in a multilateral negotiation on migration flows.

Global migration governance to protect migrants' rights

To face up to this situation, it is urgent to establish a global governance which improves coordination and cooperation between different actors (governments, civil society, business, migrants), improves migration management and establishes a legal framework for increasing the respect of human rights.
The main objective of this human-rights based governance is to reduce the vulnerability of migrants. On the longer-term, it will accompany the emergence of a right to mobility as a major and assumed dynamic of globalization[9].

Inscription of migration issues in the global public agenda will help move the debate on migrations on from fighting illegal immigration and controlling migration flows towards discussing the real long-term challenges posed by migration.

That is why we call for the holding of regular high-level dialogues on migration, in a multi-stakeholder discussion process, including civil society, trade unions, companies etc.

Since migration issues are becoming increasingly more central in international debates, we support the idea of a more structured global governance of migration, aiming to be normative, as opposed to the current system, which is largely unregulated and composed of a multitude of uncoordinated actors.

Recommandations

- We remind States of the need to establish a coherent and integrated global governance system of international migration, which strongly focuses on human rights.

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[6] Guy J. Abel, Nikola Sander, "Quantifying Global International Migration Flows", Science 28 March 2014, http://www.sciencemag.org/content/343/6178/1520.full.

[7] Report of the Special Rapporteur on the human rights of migrants, Addendum - Mission to Qatar, April 2014, A/HRC/26/35/Add.1.

[8] This calculation is made from databases that list only the documented dead and missing persons. Many people get lost at sea and in the desert, without leaving a trace. http://www.monde-diplomatique.fr/carnet/2014-03-31-morts-aux-frontieres.

[9] Bertrand BADIE, Guillaume DEVIN, Rony BRAUMAN, Emmanuel DECAUX, Catherine WIHTOL DE WENDEN, « *Pour un autre regard sur les migrations. Construire une gouvernance mondiale* », La Découverte, 2008.

- We support the recommendation for the holding of regular high level dialogues on migration[10] made by the Special Rapporteur on the human rights of migrants in its 2013 report. This coordination framework would be open to all actors in the field of migration (States, civil society, trade unions…).
- We call for the creation, within the UN, of an institutional framework for migration focused on human rights.
- The role of this institutional framework will also be to develop an international status for migrants.
- We call for recognition of the right to migrate, as a freedom of mobility for individuals which extends and complements the other fundamental rights.

Our organizations call:

- The Special Rapporteur on the human rights of migrants
- The Special Rapporteur on trafficking in persons, especially in women and children
- The Special Rapporteur on Contemporary forms of slavery
- The Independent expert on human rights and international solidarity
- The Independent expert on the promotion of a democratic and equitable international order
- The Special Rapporteur on contemporary forms of racism

To pay particular attention to the serious and recurrent violations of migrants' rights and the fundamental right of every person to freedom of movement.

Association of Humanitarian Lawyers, Centre de Recherche et d'Information pour le Développement (CRID), Forum des Organisations de Solidarité Internationale issues des Migrations (FORIM), Organisation pour une Citoyenneté Universelle (OCU), Réseau Immigration Développement Démocratie (IDD), Mouvement Utopia NGO(s) without consultative status, also share the views expressed in this statement.

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[10] Report of the Special Rapporteur on the human rights of migrants, August 2013, A/68/283.